REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested. Specifically, favorable consideration of original Claims 1-43 and new Claims 44 and 45 is respectfully requested.

THE REJECTION UNDER 35 U.S.C. §102(b)

Claims 1, 3, 5, 9, 12, 13, 15-17, 21, and 24 were rejected under 35 U.S.C. §102(b) as being anticipated by Bronson (U.S. Patent 5,136,655). The Applicant respectfully traverses this rejection, and further requests that this rejection be reconsidered and withdrawn.

Bronson describes retrieving audio-video data that has been compiled and indexed. For instance, the reference describes a scenario in which a lecture is videotaped (col. 2, line 56 – col. 3, line 33), and word data from the videotape is compiled and indexed by a voice recognition subsystem. The corresponding subsystem indexes the location of particular words from the video/audio in a data index (col. 3, lines 10 - 14).

On the other hand, Claim 1, for example, recites a method of searching streaming media presentations comprising:

> receiving a search request including search criteria;
> determining a temporal location in a streaming media presentation that corresponds to data of the media presentation that matches the search criteria; and
> returning an indication of the temporal location to a source of the request.

Contrary to the above claim, the method and apparatus described by Bronson are not provided in the context of streaming media presentations. Further, Bronson does not teach, or even suggest, "determining a <u>temporal location in a streaming media presentation</u> that corresponds to data of the media presentation that matches the search criteria" (emphasis added). It is even acknowledged on page 13 of the Office Action, with regard to the rejection of Claim 7, that Bronson "does not explicitly teach seeking to the temporal location and streaming the media presentation to a client based on the temporal location." Rather, the reference describes searching a <u>compiled data index of extracted words or scenes</u> for data that match a specific criterion.

It is respectfully submitted that the above feature, distinguishing Claim 1 from Bronson is also applicable for distinguishing rejected Claims 1, 3, 5, 9, 12, 13, and 15, which depend from Claim 1.

MPEP §2131 states that, "The identical invention must be shown in as complete detail as is contained in the...claim," *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Applicant respectfully submits that, as seen from the above, Bronson clearly does not fulfill such obligation with regard to Claim 1 or, therefore, the claims depending from Claim 1.

Furthermore, at least in view of the criterion established by *Richardson*, independent Claim 16 is also distinguishable from Bronson. For instance, the reference does not indicate that the "audio-video data stored or being stored on the media 12" (col. 2, lines 45-46) is in the form of <u>multimedia data streams</u> so as to be stored by the apparatus of Claim 16, which comprises in part, "a memory

device to store a plurality of multimedia data streams corresponding to a streaming multimedia presentation."

Further still, Bronson does not teach or suggest the search engine of Claim 16, which is coupled to the memory device and is to, in part, "determine whether any of the multimedia data streams corresponding to the multimedia presentation satisfy search criteria corresponding to the search request." Certainly Bronson's description of a search for indexed word and scene data is not identical to the Claim 16 determination of whether any of the stored multimedia data streams satisfy search criteria corresponding to a search request.

It is respectfully submitted that the above discussion distinguishing Claim 16 from Bronson is also applicable to distinguish Claim 17, 21, and 24, which depend from Claim 16.

Accordingly, for at least the reasons set forth above, it is submitted that Bronson fails to anticipate the presently rejected claims, and therefore the rejection under 35 U.S.C. §102(b) should be reconsidered and withdrawn.

THE REJECTION UNDER 35 U.S.C.§102(a) AND (e)

Claims 25, 27, 33 and 38 were rejected under 35 U.S.C. §102(a) and (e) as being anticipated by Kenner, et al. (U.S. Patent 5,956,716; hereafter "Kenner"). The Applicant respectfully traverses this rejection, and further requests that this rejection be reconsidered and withdrawn.

The computer network for delivering video data described by Kenner includes a local storage and retrieval unit (SRU) to temporarily store video clips and information downloaded from remote SRUs (col. 8 lines 51-65) and a

primary index manager (PIM) to serve as a search engine and database management module (col. 10, lines 10-12).

As set forth above, "The identical invention must be shown in as complete detail as is contained in the...claim," *Richardson*, supra. With regard to Claim 25, Kenner does not fulfill this burden. The system of Claim 25 includes, in part:

> a multimedia server, coupled to the network, to stream the streaming data to the client computer, the multimedia server including one or more index files corresponding to the streaming data and a search engine to check whether data in the index files matches search criteria received from the client computer.

On the other hand, although Kenner states that, "local SRU 51...is linked by a communication line 52 to the Internet service provider's ("ISP's") head-end network interface," (col. 20, lines 14-18), there is no teaching or suggestion that SRU 51 includes index files corresponding to data streamed to a client computer, thus rendering moot any consideration therein for a search engine to check data in such index files. Accordingly, Kenner's teachings fail to anticipate Claim 25.

With regard to Claim 27, Kenner describes PIM 64 as including a "database with detailed information on the clips...and attributes such as subject matter, rating, file size, expiration date charge information, etc.," (col. 24, lines 34-40), and further that, "Upon receiving a virtual URL from a user...The PIM 64 then accesses the clip database to determine, <u>based on clip attributes</u>, whether the user has valid subscription rights and is authorized to download the desired clip," (col. 24, lines 50-56, emphasis added). However, Kenner's descriptions of the PIM do not identically describe the claimed index server, which, upon receipt

of a search request, is to, "check...whether any portion of the streaming data matches search criteria of the search request based at least in part on the contents of the index files." Instead, Kenner uses the clip attributes as parameters for determining whether a user is able to access a specifically requested clip. Thus, Kenner does not even contemplate searching the contents of the streaming data itself in response to a search request.

With regard to Claim 33, Kenner does not teach the claimed "generating a markup document describing how the plurality of media streams are to be presented and referencing the locally stored plurality of media streams." Instead, Kenner describes either a list of available video clips being transmitted to a user (col. 18, lines 44-45), an HTML browser having audio-video playback (col. 20, lines 22-23; col. 21, lines 23-25), or a reference to a clip being embedded within the HTML of a web page (col. 23, lines 32-33). None of these descriptions in the reference teach a markup document describing how plural media streams are to be presented.

The computer-readable memories recited in Claim 38 perform the method of Claim 33, and therefore Claim 38 is distinguishable from Kenner for at least the reasons set forth above regarding Claim 33.

For at least the reasons set forth above, it is respectfully submitted that Kenner fails to anticipate Claims 25, 27, 33, and 38. Therefore, the Applicant requests that the corresponding rejection under 35 U.S.C. §102(a) and (e) be reconsidered and withdrawn.

THE REJECTIONS UNDER 35 U.S.C.§103(a)

The Applicant respectfully traverses all of the following rejections under 35 U.S.C. §103(a) for at least the reasons provided below, and it is respectfully requested that all of these rejections be reconsidered and withdrawn.

I.   Claims 2, 4, 10, 11, 14, 18-20, 28, and 30-32: rejected over Bronson in view of Kenner.

Claims 2, 4, 10, 11, and 14 depend from Claim 1. Therefore, the reasons provided above to distinguish Claim 1 from Bronson are applicable here as well. Furthermore, Kenner does not address the deficiencies of Bronson, with respect to Claim 1. In particular, Kenner does not compensate for Bronson's lack of teaching of "determining a temporal location in a streaming media presentation that corresponds to data of the media presentation that matches the search criteria."

Similarly, Claims 18-20 depend from Claim 16, and are distinguishable from Bronson for at least the reasons set forth above regarding Claim 16. The Applicant respectfully notes the acknowledgement on page 12 of the Office Action regarding Claim 6 conceding that Bronson does not explicitly teach the multimedia presentation comprising a composite media stream including a plurality of individual media streams. As a result of such deficiency relative to Claim 16, Bronson is unable to even contemplate determining whether <u>any of the multimedia data streams</u> corresponding to the multimedia presentation <u>satisfy search criteria corresponding to the search request</u>, as in Claim 16. Kenner does

not compensate for this deficiency since Kenner only uses attribute data of an identified clip to determine a user's subscription rights to a specifically requested clip and <u>not</u> for identifying multimedia data streams.

Thus, for at least the reasons set forth above, it is respectfully submitted that Kenner is unable to compensate for the deficiencies of Bronson, relative to independent Claims 1 and 16. Therefore, Claims 2, 4, 10, 11, 14, and 18-20 are distinguishable over the proposed combination of references.

With respect to independent Claim 28, and therefore dependent Claims 30-32 as well, neither Bronson nor Kenner describe "receiving an indication of whether the search criteria match any portion of the streaming media presentation," as claimed. As set forth above, Bronson describes indexing word and scene data from particular stored media and Kenner uses attribute data of an identified clip to determine a user's subscription rights to the specifically requested clip. Neither reference attempts to match search criteria to a portion of a streaming media presentation.

For at least the reasons provided above, it is respectfully requested that the corresponding rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

II.   Claim 6: rejected over Bronson in view of Kalra, et al. (U.S. Patent 5,953,506; hereafter "Kalra").

Claim 6 depends from Claim 1. Therefore, the reasons provided above to distinguish Claim 1 from Bronson are applicable here as well. Furthermore, Kalra does not address the deficiencies of Bronson, with respect to Claim 1. In particular, Kalra does not compensate for Bronson's lack of teaching of

"determining a temporal location in a streaming media presentation that corresponds to data of the media presentation that matches the search criteria."

In particular, whereas Bronson describes retrieving compiled audio-video data and indexing the location of particular words from the video/audio in a data index (Bronson, col. 3, lines 10 - 14), Kalra describes tailoring streams accessed from a server to match a profile corresponding to a client computer to maximize the resolution of the 3D, audio, and video components (Kalra, col. 2, lines 30-50). Neither reference is suggestive of a combination with the other, and, *arguendo*, such combination would fail to render Claim 6 obvious. Therefore it is requested that the present rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

III.   Claims 7 and 8: rejected over Bronson in view of Abbott, et al. (U.S. Patent 5,973,679; hereafter "Abbott").

Claim 7 is currently rewritten in independent form to include the features of Claim 1, from which Claim 7 originally depended. Claim 7 now recites that the temporal location in a streaming media presentation corresponding to data of the media presentation matching the search criteria includes <u>a particular term or element of the streaming media presentation</u>. Such feature is described on page 16 of the application, and is not taught or suggested by Branson or Abbott.

The particular term or element is further recited in new Claim 44 as including any one of characters, words, symbols, or groups thereof, and in new Claim 45 as including digital representations of audio waveforms.

Therefore, in view of the current amendment, Claim 7 is distinguishable over the proposed combination of references. Further, Claims 8, 44, and 45,

which depend from Claim 7, are similarly distinguishable over the references. Thus, it is requested that the present rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

IV.   Claim 22: rejected over Bronson.

As discussed above first with regard to Claims 16, Bronson does not explicitly teach the multimedia presentation comprising a composite media stream including a plurality of individual media streams, and therefore the reference does not even suggest determining whether <u>any of the multimedia data streams</u> corresponding to the multimedia presentation <u>satisfy search criteria corresponding to the search request</u>.

Claim 22 depends from Claim 16, and the Applicant respectfully submits that the further acknowledgement in the present rejection that Bronson does not teach that the comparison occurs directly against the data of the multimedia data streams, combined with the above acknowledgement regarding Claim 16, would not render Claim 22 obvious to one of ordinary skill without further substantiation. The Applicant further submits that to assert that the "comparing" of Claim 22 would be obvious when it has been previously conceded in the Office Action that an element of such "comparing" is not taught by the reference presents contradictions that would render the claims unobvious to one of ordinary skill.   Therefore, it is requested that this rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

V. Claims 23 and 29: rejected over Bronson in view of Kenner and Abbott.

Claim 23 depends from Claim 16 and is therefore distinguishable over Bronson for the reasons described above with reference to Claims 16, 18-20, and 22. Further, in response to the assertion that Kenner teaches a streaming component to manage streaming of multimedia data streams to a client, it is noted that, although Kenner states that, "local SRU 51...is linked by a communication line 52 to the Internet service provider's ("ISP's") head-end network interface," (col. 20, lines 14-18), the Applicant submits that there is no teaching or suggestion that SRU 51 includes index files corresponding to data streamed to a client computer.

Further still, the Applicant disagrees with the assertion made in the rejection that Bronson teaches the search engine identifying a temporal location of multimedia data streams that satisfy the search criteria and forward the temporal location to the streaming component particularly in view of the previous acknowledgements that Bronson (1) does not explicitly teach the multimedia presentation comprising a composite media stream including a plurality of individual media streams (please refer to the rejection of Claim 6), (2) does not explicitly teach seeking to the temporal location and streaming the media presentation based on the temporal location (please refer to the rejection of Claim 7), and (3) does not teach that streaming is to a client computer. It is respectfully submitted that combining the features acknowledged to be lacking, explicitly, from Bronson would fail to motivate one of ordinary skill to combine the reference with Kenner to render Claim 23 obvious.

Claim 29 depends from Claim 28, which has been distinguished from the combination of Kenner and Abbott for reasons provided above. Those arguments are applicable to the present rejection as well. In particular, neither Bronson nor Kenner describe "receiving an indication of whether the search criteria match any portion of the streaming media presentation," as in Claim 28. Bronson describes indexing word and scene data from particular stored media and Kenner uses attribute data of an identified clip to determine a user's subscription rights to that clip. Neither reference attempts to match search criteria to a portion of a streaming media presentation, nor does Abbott remedy such deficiency.

Therefore, for at least the reasons discussed above, it is requested that the rejection of Claims 23 and 29 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

VI. Claim 26: rejected over Kenner in view of Abbott.

Claim 26 depends from Claim 25, which has been distinguished from Kenner for reasons provided above. Those arguments are applicable to the present rejection as well. In particular, although Kenner states that, "local SRU 51...is linked by a communication line 52 to the Internet service provider's ("ISP's") head-end network interface," (col. 20, lines 14-18), there is no teaching or suggestion that SRU 51 includes index files corresponding to data streamed to a client computer, thus rendering moot any consideration therein for a search engine to check data in such index files. Abbott does not compensate for such deficiency, nor is such assertion made in the rejection.

Further, Abbott indicates that the object hierarchy allows program material <u>to be transmitted</u> to a viewer in different manners without changing or modifying the program material itself (col. 5, lines 29-37). That feature does not suggest that the client computer includes a demultiplexer to separate streaming data into individual data streams as recited in Claim 26. Rather, Abbott describes the program material being <u>transmitted</u> differently. One is not necessarily suggestive of the other.

Therefore, for at least the reasons set forth above, it is respectfully requested that the rejection of Claim 26 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

VII. Claim 34: rejected over Kenner in view of Kalra.

It is first noted that the present rejection begins on page 14 of the Office Action by discussing the relative merits of Bronson and not Kenner. In an effort to expedite prosecution of the present application, both Bronson and Kenner will be considered.

Claim 34 depends from Claim 33, which has been distinguished from Kenner for reasons provided above. Those arguments are applicable to the present rejection as well. In particular, Kenner describes either a list of available video clips being transmitted to a user (col. 18, lines 44-45), an HTML browser having audio-video playback (col. 20, lines 22-23; col. 21, lines 23-25), or a reference to a clip being embedded within the HTML of a web page (col. 23, lines 32-33). None of these descriptions in the reference teach a markup document describing <u>how</u> plural media streams are to be presented, as recited in

Claim 33. Kalra does not compensate for such deficiency, nor is such assertion made in the rejection.

With regard to Bronson, it is acknowledged that Bronson does not explicitly teach receiving the plurality of media streams as a composite media stream. Thus, it is a moot point to contemplate how Bronson would teach or even suggest generating a markup document describing <u>how</u> such a plurality of media streams are to be presented, as in Claim 33 from which Claim 34 depends.

Therefore, for at least the reasons set forth above, it is respectfully requested that the rejection of Claim 34 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

VIII. Claims 35-37 and 39-41: rejected over Kenner in view of Ladd, et al. (*Using HTML 4, XML, and Java 1.2* (Que: December, 1998), p. 690; hereafter "Ladd".

Claims 35-37 depend from Claim 33, which has been distinguished from Kenner for reasons provided above. Those arguments are applicable to the present rejection as well. In particular, Kenner describes either a list of available video clips being transmitted to a user (col. 18, lines 44-45), an HTML browser having audio-video playback (col. 20, lines 22-23; col. 21, lines 23-25), or a reference to a clip being embedded within the HTML of a web page (col. 23, lines 32-33). None of these descriptions in the reference teach a markup document describing <u>how</u> plural media streams are to be presented, as recited in Claim 33. In addition, the alleged teachings of Ladd that most web browsers keep a local copy of web documents in a browser cache to reduce network traffic <u>still</u> does not include a markup document <u>describing how plural media streams</u>

are to be presented. Rather, both proposed references merely list the available media streams and are silent with regard to the presentation thereof. Thus, all of Claims 35-37, which depend from Claim 33, are distinguishable over the proposed combination of Kenner and Ladd.

Similarly, the computer-readable media of Claim 39 includes a computer program that causes one or more processors to perform functions including, at least:

> receiving a markup document, from a multimedia server, that references a plurality of multimedia data streams at one or more remote media servers, and that identifies how the plurality of multimedia data streams are to be presented at a client computer.

Thus, similar to the reasons discussed above regarding Claims 33 and 35-37, Claim 39, and consequently Claims 40 and 41 which depend from Claim 39, is distinguishable from the proposed combination of Kenner and Ladd.

Therefore, for at least the reasons set forth above, it is respectfully requested that the rejection of Claims 35-37 and 39-41 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

IX. Claims 42 and 43: rejected over Kenner in view of Bronson.

Claim 42 depends from Claim 41, which has been distinguished from Kenner for reasons provided above. Those arguments are applicable to the present rejection as well. Kenner fails to teach or suggest a markup document describing how plural media streams are to be presented, as recited in Claim 41. Bronson does not compensate for such deficiency, nor is that assertion made in the rejection.

More particular to Claim 42, it is acknowledged in the rejection that Kenner does not teach receiving a plurality of index files corresponding to a plurality of multimedia data streams. It is further acknowledged in the Office Action, in reference to the rejection of other claims, that Bronson does not teach or suggest indexing multiple media data streams. Thus, one of ordinary skill would have no motivation to combine Kenner and Bronson as suggested in the present rejection. The resulting combination would maintain an index of word and scene data for a single media stream, with no motivation to maintain such an index for multiple media data streams.

Claim 43 depends from Claim 42, and is therefore distinguishable over the proposed combination of references for at least the same reasons as Claim 42.

Therefore, for at least the reasons set forth above, it is respectfully requested that the rejection of Claims 42 and 43 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

CONCLUSION

The remaining references of record have been considered. It is respectfully submitted that they do not compensate for the deficiencies of any of the references utilized in rejecting the pending claims.

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance. Early and forthright issuance of a Notice of Allowability is respectfully requested.

Respectfully Submitted,

Lee & Hayes, PLLC

Dated: _11/18/2003_
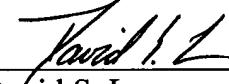
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